

**TOWN OF GILBERT
PLANNING COMMISSION STUDY SESSION
COUNCIL CHAMBERS
50 E. CIVIC CENTER DRIVE
GILBERT, AZ
OCTOBER 7, 2020**

COMMISSION PRESENT:

Brian Andersen, Chair
Carl Bloomfield, Vice Chair
David Blaser
William Fay
Tyler Jones
Noah Mundt
Jän Simon
Colby Ashton, Alternate
Anthony Bianchi, Alternate

COUNCIL LIAISON PRESENT:

Scott September

STAFF PRESENT:

Eva Cutro, Planning Division Manager
Stephanie Bubenheim, Senior Planner
Sydney Bethel, Planner II
Keith Newman, Planner II
Tom Condit, Development Engineering Manager
Clinton Emery, Assistant Traffic Engineer
Nancy Davidson, Assistant Town Attorney

RECORDER:

Dana Desing

Members of the public will be able to attend the Planning Commission meeting in person or participate remotely. Agenda items may be discussed in a different sequence.

1. CALL TO ORDER: Chair Brian Andersen called the October 7, 2020 Study Session of the Planning Commission to order at 5:03 p.m.

2. OATH OF OFFICE: Assistant Town Attorney Nancy Davidson administered the Oath of Office to new Planning Commission members David Blaser, William Fay, Tyler Jones, Alternates Colby Ashton and Anthony Bianchi, as well as returning member Brian Andersen. The new Commission members introduced themselves.

David Blaser has lived in Gilbert for 16 years. He served on the Planning and Zoning Commission a few years before it was combined with the Design Review Board. He is excited to be back serving and contributing to the community.

Vice Chair Carl Bloomfield joined the meeting. He will take the Oath of Office later in the meeting.

William “Bill” Fay has lived in Gilbert for 22 years. He has worked with local government for the last 20 years. He currently works for ADOT. He is thrilled to be a member of the local community.

Tyler Jones was born and raised in Gilbert and served on the Redevelopment Commission for a couple years. He is excited to be part of the Planning Commission.

Alternate Colby Ashton is a native Arizonan and has been a resident of Gilbert for almost 20 years. He works with spreadsheets all day and is happy to serve.

Alternate Anthony “Tony” Bianchi has been a Gilbert resident for 20 years and had also served on the Planning Commission some years back. He works for the Phoenix Mesa Gateway Airport Authority as their planning manager. He is excited to be back on the Commission.

Chair Andersen welcomed the new Commission members and thanked them for their service. He looks forward to working with them over the next few years.

Later in the meeting, Attorney Davidson administered the Oath of Office to returning member Carl Bloomfield.

3. ELECT CHAIR AND VICE CHAIR:

Chair Anderson nominated Carl Bloomfield as Chair of the Planning Commission.

MOTION: Jän Simon moved to appoint Carl Bloomfield as Chair of the Planning Commission; seconded by Commissioner Mundt. **Motion passed 7-0.**

Vice Chair Bloomfield nominated Jän Simon as Vice Chair of the Planning Commission.

MOTION: Brian Andersen moved to appoint Jän Simon as Vice Chair of the Planning Commission; seconded by Commissioner Mundt. **Motion passed 7-0.**

Brian Andersen handed the meeting over to newly elected Chair Carl Bloomfield.

4. APPOINTMENT OF ZONING HEARING OFFICER:

This item was requested to be postponed to the November 4, 2020 meeting in order to hold internal discussions with staff.

5. DR20-107 MCDONALDS - QUEEN CREEK & KEY BISCAYNE: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approx. 1.25 acres, generally located at the southwest corner of Queen Creek Road and Key Biscayne Drive, and zoned Shopping Center (SC) with a Planned Area Development (PAD) overlay.

Planner Sydney Bethel presented DR20-107 McDonalds – Queen Creek & Key Biscayne. The subject site is approximately 1.25 acres and is located at the southwest corner of Queen Creek Road and Key Biscayne Drive. The applicant is proposing a new standalone 4,391 SF McDonald’s restaurant with a drive-thru. Staff is requesting input from the Commission on the general site design, general elevations, and approving the project administratively. This project initially came in a little over 5,000 SF, although in the second review, it came in under 5,000 SF, which is the threshold for administrative approval if the project is part of a Master Site Plan. Staff is requesting that the project be approved administratively with the caveat that all of the Commission and staff comments be addressed prior to approval.

The subject site is located within a Master Site Plan that was approved in 2016. This site is Lot 6 within the

Master Site Plan. The anchor of the development is the Spectrum Senior Living which is a congregate care facility that completed construction in 2018. A Superstar Car Wash is currently under construction along with a vacant restaurant pad. To the south is Black Star Coffee and some retail and restaurant shops. There was a gas station approved in 2016 at the hard corner, although it was never constructed and that approval is now invalid. The proposed McDonald's standalone restaurant is located on the western portion of the existing parcel. The remaining 0.97 acres will be developed at a later date and is not included in this submittal. The applicant has provided an exhibit showing a possible future development scenario for the remaining portion to make sure it is viable for development.

The McDonald's drive-thru is located on the eastern portion with dual lanes merging into one service lane. There are two proposed access points, one off of Queen Creek Road to the north and another off Key Biscayne Drive to the east. There are some internal roadways that those filter onto before getting into the site. Those were constructed with the first element of the Master Site Plan, the anchor. There is a drive that will pass through the future development site and a shared access will be constructed with the McDonald's and utilized by the future development as well. The future development scenario shows another drive-thru restaurant with a similar layout. All of the landscaping along the right-of-way was installed with the first phase in the Master Site Plan. The site will have a total of 25.5% of the net area landscaped, which exceeds the required 15%. On the southern portion, they are proposing some Heritage Live Oak and shrubbery to create a vegetative screen wall to provide some privacy to the residents to the south. Although the entire parcel is commercial, there is a residential use of the congregate care facility. The onsite retention is proposed in the form of underground and above-ground retention basins, which are located on the southeast portion of the site in a proposed landscape area on the remaining 0.97 acre parcel.

There is one building proposed for the site at approximately 22'6" inches in height and one story. This is a new model for McDonald's with some unique accent features. The colors and materials are in compliance with the greater Master Site Plan with some slight modifications to provide individuality. The base color Cargo Pants as well as the wainscoting are used throughout the center.

COMMISSION QUESTIONS/COMMENTS:

Commissioner Blaser noted that the surface retention was on the southeast corner of the parcel. He asked if the exhibit showing the adjacent property being developed accounts for surface retention also. Ms. Bethel stated it does to her knowledge. Also on the line is Tom Condit our Engineering Manager, who can provide more detail if needed.

Vice Chair Simon understood there are ingress and egress proposed with this project on the north side and on the east side onto Queen Creek. Is there not an egress planned for the future drive-thru development, perhaps between the two properties for outflow? The egress to the west of the property would function well there, but once future development goes in with a potential drive-thru, there may be a lot of back up and issues in that parking lot if there is not an egress between the two. It may be too close to the intersection to accommodate that.

Ms. Bethel can discuss that with the applicant. As of now, there is not anything planned. They are only providing the cross access on the southern portion of the parcel. She believed there needs to be 220 feet of separation. She did not know if there were traffic reviewers between those openings so she cannot say whether it would qualify up on the northern portion. That is something we can look into and see what the possibilities are for future development scenarios in order to not create such issues, especially if there will be another drive-thru that is a high auto use. Vice Chair Simon appreciated the explanation. He was fine with the rest of the proposal.

Commissioner Jones noted that this proposal is adjacent to Perry High School and asked if the applicant had plans to maintain that nearly one acre between the school and this new McDonald's with the potential for loitering and garbage with the empty lot. Ms. Bethel stated to her knowledge, there are no future development plans for that lot, although they have been in communication with the school district, as we have advised, to mitigate any potential issues that may arise due to their location next to the school. She will check back with the applicant to see if that was discussed.

Commissioner Mundt felt this project seemed appropriate for administrative approval.

Chair Bloomfield felt everyone was fine with the general site design. There are a few questions that cannot be answered because it will mostly be dictated by the future development. In terms of the general elevation, it looks like a McDonald's with a fun color. He did not see any concerns from the Commission regarding administrative approval and felt that was fine.

6. GP20-03 TOWN ON GERMANN: Request for Minor General Plan Amendment to change the land use classification of approx. 14.53 acres generally located at the southwest corner of Lindsay Rd. and Germann Rd. from Business Park (BP) to Residential >14-25 DU/Acre land use classification.

Z20-08 TOWN ON GERMANN: Request to rezone approx. 14.53 acres generally located at the southwest corner of Lindsay Rd. and Germann Rd. from Business Park (BP) zoning district to Multi-Family/Medium (MF/M) zoning district.

Planner Keith Newman presented GP20-03 and Z20-08, Town on Germann. The applicant is requesting to change the land use classification and zoning on the 14.5 acre property located southwest of Lindsay and Germann Roads. In the general area, the Rockefeller project came in a few years ago, there is an existing apartment complex and light industrial warehousing. Staff is requesting input from the Commission on the proposed General Plan Amendment and rezone.

The General Plan designation is being proposed to change from General Office (GO) to Residential 14-25 DU/Acre. The zoning is requested to change from Business Park (BP) to Multi-Family/Medium (MF/M). The existing zoning and General Plan designation do not match up because with the 2020 General Plan update, we consolidated some of the names of the General Plan land use categories. The Business Park category was consolidated under General Office, although the uses are still the same.

The site is approximately 14.5 acres with access off Germann Road down Silverado, which is a minor collector roadway and the only way in and out of this development. The applicant is not proposing a Planned Area Development, but conventional zoning. The proposal is in compliance with all Town LDC requirements. The conceptual plan shown for reference will not be approved as part of this zoning change, but will come in at a later date for Design Review. The conceptual plan shows how the site could develop in the future as it moves through the Design Review stage. Staff will work through all of the details with the developer in that process. The subject site is located within the Gilbert/202 Growth Area, which identifies areas that are suitable for multi-modal transportation infrastructure and improvements, and designed for a variety of uses such as residential, office, commercial and industrial-type uses. The applicant has chosen to change to residential due to the constraints on the property, such as the lack of frontage along Germann Road, poor access off of one roadway which is a minor collector, the location adjacent to an RWCD canal along the eastern boundary of the site, and the close proximity to the existing apartment complex. All of those things make developing this site into General Office type uses challenging. The owner has had the property for 35 years and has been unable to generate interest from employment users over the

years. The applicant believes multi-family would be a more compatible use and provides a better buffer to the existing single-family homes and Business Park zoning along Germann Road. The staff report lists the goals and policies supported by this General Plan.

The rezoning request is for Multi-Family/Medium in order to develop 207 townhouse units in a gated community at 14-25 DU/Acre. The applicant is proposing six clusters of 4, 5, and 6 buildings, lots of open space, and a large buffer along the southern property boundary adjacent to approximately 4 single-family residences. That buffer will be approximately 65' at its widest point and 45' at its smallest point with an existing irrigation ditch along the southern boundary. There is one primary access and we are working to negotiate future cross access for emergency purposes with the industrial piece to the west. Those details will be worked out when it comes back through the Design Review process. A virtual neighborhood meeting was held on June 18, 2020, with seven property owners in attendance. There were some concerns, although there was nothing staff would consider to be major. The applicant has taken note of those concerns and will make sure they are addressed when this comes in for the Design Review application.

COMMISSION QUESTIONS/COMMENTS:

Commissioner Mundt noted this site has questionable ingress/egress on a number of townhomes near an intersection that is jammed up quite often for multiple hours during the morning and afternoon as well as the AZDOT plan for putting highway ramps in that area. He asked what amount of traffic this will generate.

Mr. Newman stated that is currently being analyzed as staff is still going through the first review of this project for the rezone and General Plan Amendment. No comments have been issued yet concerning the TIA. Staff will look at traffic generation and daily trips for this site. He can provide more information when this item comes back for a public hearing.

Commissioner Mundt wanted to voice that concern. He liked the idea of finding some manageable use for this land that the owner has held for quite some time. It is in a peculiar area that is difficult to develop.

Vice Chair Simon had an opportunity to speak with the applicant on this project. This piece of property really is an island. With what we have tried to do with buffering of residential to commercial or light industrial, he felt it makes sense to look at this property in this light and felt the product they are proposing would fit well there. He would like to see some of the traffic studies and how that may impact that intersection. He felt in this particular section, it makes sense to look at this from a downzoning perspective due to what else is around it.

Commissioner Fay stated this property only has one point of access and we can't depend on the timing or what will come in to the west. He asked if the fire department will get a second point of access or will they sign a variance to allow only one point of access.

Mr. Newman stated there have been preliminary discussions with the applicant on that matter. We are currently working with the adjacent property owner to the west to be able to secure a secondary access through their site. That is in the very early stages of discussion. The goal is to obtain a cross access type of easement to provide emergency access through the industrial piece to the west. Staff will continue to work on that issue, especially as we move into the DR phase.

Commissioner Fay felt that was a good direction to go, although the property to the west is not under consideration and we have no control of the timeline. They could sign a cross access agreement and not come in for another 10 years and there would only be one point of access for the fire department. Will the

fire department buy into that or will they insist on something else.

Mr. Newman stated the industrial site is currently under construction now. Those drive aisles are currently being constructed and Silverado has been constructed all the way out to Germann. It is close to being finished, so we are assuming they will be able to get that cross access for emergency purposes.

Commissioner Fay appreciated the explanation. He noted the aerial view did not show the current construction.

Commissioner Blaser agreed with the prior comments. He was concerned about the traffic impact and believes the access to the adjacent property is critical. It certainly feels like the proper use for this piece of property.

Chair Bloomfield also had a chance to visit with the applicant who makes a good case that this is a good use for the area. We are always concerned about downzoning and taking out some business and commercial property. At the same time, high-density development and residential is not a bad use, especially this close to the San Tan development area and everything that is going on there. He encouraged staff to keep moving forward for all those reasons. He asked if it was the same master developer and owner that brought cases from the west before it was sold?

Mr. Newman stated it was not the same master developer, but a different development company.

Chair Bloomfield felt that would have made the negotiations for the cross access agreement easy. As long as they are aware of the concerns, they will work on that and get it accomplished.

7. DR20-117 BANNER GATEWAY MEDICAL EXPANSION & RENOVATION: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for a new patient tower, expansion to the existing D&T facility, two (2) new surface parking lots and the preliminary site plan review of the overall banner Gateway Medical Campus on approximately 63.5 acres, generally located at the northwest corner of Higley Road and Banner Gateway Drive, and zoned Reginal Commercial (RC).

Planner Sydney Bethel presented DR20-117 Banner Gateway Medical Expansion and Renovation. The site is generally located at the northwest corner of Higley Road and Banner Gateway Drive, south of US 60 and it is zoned Regional Commercial. The Banner Gateway Medical Center campus is a 56.4 acre site that has been steadily developing in phases since the mid-2000s. The hospital originally opened in the fall of 2007. The campus includes a hospital, cancer center, and medical office building facilities. With this application, 6.7 acres will be added to the overall site plan to the south for the Banner Gateway Center, which will bring to total site area to 63.5 acres. Staff is requesting input from the Commission on the general site design and elevations. Staff's first review comments have been sent to the applicant. The Commission feedback will be incorporated into the second submittal.

The Banner Gateway Medical Center is a 180-bed inpatient hospital that opened in 2007. The original hospital consisted of one 5-story patient tower and a 2-story diagnostic and treatment (D&T) facility. The expansion request includes a second 5-story patient tower which will be connected to the existing patient tower to the south. The expansion of the existing D&T facility to the east and west will be 2 stories with a basement as well as two surface parking areas to accommodate the new development, one located to the west of the new tower and one south of Banner Gateway Drive. The development team intends to develop a future surface parking lot located on the northeast corner with an additional 90 spaces. That was not

included in the current staff report, but is something the applicant is considering in the second submittal.

The new 5-story patient tower with a basement will include approximately 181 new patient beds at buildout. The tower will initially include 85 beds for Phase I and space to allow for an additional 96 beds at buildout or Phase II. The patient tower will be attached to the existing 180-bed tower to the east to create an enclosed courtyard area. It will also be attached to the expansion of the D&T facility. The existing D&T facility is 2 stories and the new expansion will match that with 2 stories and a basement. The parking field to the south will get a lot of pedestrians crossing to the hospital facility. The applicant is providing a pedestrian walkway across Banner Gateway Drive, which will be signaled with a Hawk system for safety.

The landscaping will total 15% of the net site area, which meets requirements. Landscaping is provided along the perimeters of the new parking areas, within the landscape islands in the parking lots, along the south side street frontage of Banner Gateway Drive abutting the parking lot, and as foundation landscaping for the new buildings. Staff has requested additional landscaping on the western portion. The runoff from the new tower and D&T facility expansion will be accommodated through a combination of new and existing above-ground retention basins. New above ground retention basins have been provided to the west of the new tower and in the landscape areas around the perimeter of the proposed surface parking lots. The surface parking lot proposed to the south of Banner Gateway Drive has new proposed above ground retention basins along the perimeters of the parking lot and the landscape area.

The applicant has provided some renderings to show a conceptual visualization of the site. The colors and materials proposed are in line with what is existing in the center. They have used quite a bit of EIFS, 7 types of natural stone, and weathered steel as an accent material. There are quite a few windows on the front of the buildings. The elevations provide indicators to differentiate the new construction from the existing buildings. They are utilizing the EIFS in two different taupe colors. The west and east elevations show more of the stone materials layered in large vertical massings. The internal courtyard area is created in between the two patient towers.

COMMISSION QUESTIONS COMMENTS:

Commissioner Mundt felt the elevations looked nice and blended quite well. He liked the way they have alternated the heights and depths so it does not look like a box. He felt it was very well done.

Commissioner Fay advised that the parking calculations listed in the Project Data table stated 1 space per 3.9 beds, although he believed it was actually 3.9 spaces per 1 bed according to the Land Development Code.

Ms. Bethel will look into that to verify the correct numbers. She stated the figures in the table are out of an administrative use permit that was approved in 2009, so they are different than the requirements in our LDC. She will verify with the applicant to ensure that all of the parking counts are correct when this comes in for formal submittal and will provide the Commission with an update in that report.

Commissioner Fay felt the totals were correct, although the explanation in the table is wrong.

Chair Bloomfield stated that Banner Gateway kept a marketing office in his office when they first started this hospital and the budget back then was \$1 million a bed. He welcomed the \$180-200 million that will be put into the town. It is amazing how that campus has expanded over the years and they continue to do so. Right now you can drive by and see a lot of empty parking spaces, but pre-COVID it was always busy there. While it seems like an extraordinary amount of parking, he thought it was right on the money. He felt the proposal looked good and they are keeping it in the same vein they always have. Please continue to

move this item forward.

- 8. Z20-07 MERCY CENTER PAD AMENDMENT: Request to amend Ordinance No. 2757 to amend the development plan within the Mercy Val Vista Center Planned Area Development (PAD) overlay zoning district for approx. 11.35 acres of Multi-Family/Medium (MF/M) zoning district generally located at the southeast corner of Val Vista Dr. and Mercy Rd.**

DR20-121 MERCY CENTER: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 11.35 acres, generally located at the southeast corner of Val Vista Dr. and Mercy Rd, and zoned General Commercial (GC) and Business Park (BP) with a Planned Area Development (PAD) overlay.

Planner Keith Newman presented Z20-07 and DR20-121, Mercy Center PAD Amendment and Design Review applications. Staff is still processing the first review. The 11.35 acre site is located south of Gilbert Mercy Hospital at the southeast corner of Mercy Road and Val Vista Drive. Input is being requested on the elevations, articulation, the revised site design, and traffic circulation. The property to the south is also owned by this developer and should be coming before the Commission soon. The subject site came before the Commission back in the spring for a PAD to establish zoning for the site. The zoning on the west half along Val Vista Drive is General Commercial (GC) and the back or east half of the site is zoned Business Park (BP). This was approved for a PAD under a different ownership who had asked for deviations of zero-foot landscape setbacks along Mercy Road, 10-foot setbacks along the east boundary, and zero-foot setbacks along the southern boundary, which were approved. Since then, the site has changed hands to a new developer who is looking for a completely different plan and redesign of the site. Along Val Vista Road, Phase I, the applicant would like to develop two buildings of approximately 22K SF and 25K SF with a drive-thru in the middle of the buildings and a second story over the drive-thru. It looks like four buildings, although it is really two. It is a unique design we have not seen in the Town of Gilbert before. In Phase II, the applicant would construct in the future two 5-story medical office buildings of 78K SF each and a parking garage. At this time, Mr. Newman was not aware of how many parking spaces that would provide. Those details will come forward through the Design Review process. There are two access points proposed off of Val Vista Drive and two off of Mercy Road. The access at the northeast corner of the site has been constructed recently with the office building site to the east.

Staff has concerns with the configuration of the two entrances at Mercy Road and the turning movement which is not straight through as previously proposed. Staff feels the drive aisle will be highly traveled due to the medical office buildings and there is concern that people may back out into a busy drive aisle. Since the staff report was written, additional concerns have come up from the traffic department. There is a joint TIA for this property and the one to the south. The traffic study considered these two sites and identified traffic storage concerns based on the turning movements estimated to come into the site and the amount of through traffic that already exists on Val Vista Drive. The concerns are that there is not enough storage and the turn lane is not long enough to come into the site. For the site to the south, which is not part of this approval, there are concerns with the storage of the turn lane into Melrose. Traffic is concerned with the left hand turning movements off of Melrose out onto Val Vista which could back up and not allow people coming in to turn left off of Val Vista into the entrance. We are working with the applicant on these traffic concerns as the project goes through the Design Review process. The applicant is willing to mitigate those concerns as much as possible by lengthening the storage capacity of those turn lanes. Our Traffic Engineer is on the line to address any questions.

In total, this development will have about 205,000 SF of building space. It is in the Mercy Val Vista Medical Growth Area, which envisions density and intensity and 5-story medical office buildings. The applicant is proposing a development that is on par with this Growth Area. The landscaping is located along the frontages, the perimeter, and within the parking areas with drought-tolerant trees and shrubs. The applicant was asked to show the landscaping for Phase II as well. The building elevations are very unique with a drive-thru in the middle of the buildings and a second story above. Materials include CMU, limestone, wood composite cladding, a lot of windows, and metal canopies. The colors consist of mostly grays, white and bronze. The buildings are proposed at approximately 37 feet tall. The elevations were reviewed for Shops A showing a lot of glass in the front, ground floor retail, and offices on the top floors. The Shops B building is identical in design and theme. For the drive-thru along Val Vista Drive, they are planning screen walls with shrubs and vines. We will make sure there is plenty of landscaping along Val Vista Drive to screen the impact of the drive-thrus.

COMMISSION QUESTIONS COMMENTS:

Chair Bloomfield noted there are 255,000 SF going in right now with the proposed PAD. How many square feet were approved a few months ago? Mr. Newman stated the previous PAD approved 75K SF of space, which is considerably less. This development with the increased square footage of total building space is more along the lines of the vision of the Val Vista Medical Growth Area. Staff is content with what is being proposed.

Commissioner Blaser asked when the town would expect the traffic storage solution to be put in place? Would that be in Phase I or Phase II? Mr. Newman believed we were looking to resolve these issues now and to come up with solutions for the turn lanes and additional storage that is needed now during Phase I. He asked Clinton Emery, Assistant Traffic Engineer to elaborate.

Mr. Emery was on the line and advised that the developer wants to do all of the improvements now for the whole site. This is when they are looking to do any off-site improvements as well.

Commissioner Blaser liked the elevations with the high-end finishes. He would like to see those high-end products be part of the building and the elevation. He thought it would be a great addition to the town.

Commissioner Jones agreed that it is a very interesting and unique design. The focus here has to be on the traffic flow, and with the medical purpose the building will have a lot of usage. We definitely need to make sure that is well-covered and flows well.

Commissioner Mundt noted that going west across Val Vista Drive there is a car wash, Dutch Bros., and soon-to-be Culver's restaurant. The Dutch Bros. already backs up to where the middle road is completely inundated with traffic. Also, people will be coming in and out of the high traffic car wash and QT gas station. That is another intersection that is quite jammed up. He was concerned with the egress out onto Val Vista Drive as people are coming the other way from those establishments that have high turnover, it could be dangerous. He liked the idea and felt it goes well within the plan for the Mercy area, although there are traffic concerns.

Chair Bloomfield understood that the queuing for the drive-thru is coming right through the middle of the building so when they exit, they are coming by those parking spaces toward that middle aisle. That could result in people queuing in line and blocking off those parking spaces.

Mr. Newman reviewed the flow of traffic and queuing for both buildings. Yes, they will exit out in front of those parking stalls and staff has expressed some concerns with stacking along those parking stalls which

could be blocked by a super busy drive-thru. Staff will address that with the applicant to try to resolve that issue.

Chair Bloomfield was not concerned about the high-volume traffic aisle that was highlighted. It appears to have the turning radius. He felt so many turns will force people to slow down, which will help overall. He felt it was parked that way in order to get parking counts up. Laying out that much parking for that much additional building can be problematic and they are trying to accommodate that the best way they can. He would leave it to the traffic engineer and town staff to deal with. Personally, he understood why they parked it that way and he was okay with it. With people coming in for the medical office use, it will not always be restaurant patrons coming in and out and it may not be that big of an issue, but there are concerns on the site plan and layout.

9. Z19-01 HERITAGE DISTRICT DESIGN GUIDELINES: (This item was continued at the 9/2/2020 Study Session meeting and is tabled). Amendment to the Town of Gilbert Land Development Code, amending Chapter I Zoning Regulations, Division 2 Land Use Designations, Article 2.4 Heritage Village Center Zoning District, Division, 3 Overlay Zoning District, Article 3.4 Heritage District Overlay Zoning District, and Division 6 Use Definitions; Chapter II, Design Standards and Design Guidelines, Article 1.8 Heritage District Design Guidelines; and the Glossary of Terms related to development standards within the Heritage Village Center Zoning District. The effect of these amendments will be to revise the development standards, update the Glossary of Terms, and create new guidelines and application procedures.

Staff has recommended that this item be tabled to a future date.

10. Discussion of Regular Meeting Agenda:

Chair Bloomfield advised that emails have been received today and there are several residents in attendance who wish to speak on Item 17. DR20-71, Guadalupe & McQueen Retail. That item will need to be pulled off the Consent Agenda.

Councilmember Andersen noted that Item 25 DR19-128 Trilogy at Power Ranch-Pickleball and Tennis Renovations has been requested to be continued to the November hearing. He suggested that Item 25 be moved to the Consent Calendar if there are no requests to speak.

The Commission agreed to those changes in the Agenda.

ADJOURN STUDY SESSION

Chair Bloomfield adjourned the Study Session at 6:13 p.m.

Carl Bloomfield, Chairman

ATTEST:

Dana Desing, Recording Secretary

**TOWN OF GILBERT
PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS
50 E. CIVIC CENTER DRIVE
GILBERT, AZ
OCTOBER 7, 2020**

COMMISSION PRESENT:

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Brian Andersen
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STAFF PRESENT:

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Sydney Bethel, Planner II
Keith Newman, Planner II
Tom Condit, Development Engineering Manager
Clinton Emery, Assistant Traffic Engineer
Nancy Davidson, Assistant Town Attorney

FORMER COMMISSIONERS PRESENT:

David Cavenue
Philip Alibrandi

COUNCIL LIAISON PRESENT:

Scott September

RECORDER:

Dana Desing

PLANNER	CASE	PAGE	RESULT
Ashlee MacDonald	DR20-113	4	Approved
Keith Newman	DR20-66	4	Approved
Sydney Bethel	DR20-71	6	Approved
Keith Newman	DR20-87	5	Continued
Stephanie Bubenheim	UP20-05	5	Continued
Stephanie Bubenheim	DR20-46	5	Continued
Sydney Bethel	UP20-26	5	Continued
Sydney Bethel	UP20-27	6	Continued
Sydney Bethel	UP20-28	6	Continued
Sydney Bethel	DR20-94	6	Continued
Ashlee MacDonald	DR19-128	6	Continued

CALL TO ORDER OF REGULAR MEETING

Chair Carl Bloomfield called the October 7, 2020 Regular Meeting of the Planning Commission to order at 6:24 p.m.

PLEDGE OF ALLEGIANCE

Eva Cutro, Planning Division Manager, led the Pledge of Allegiance

ROLL CALL

Eva Cutro called roll and determined that a quorum was present.

11. APPROVAL OF AGENDA:

It was requested to remove Item 17. DR20-71, Guadalupe & McQueen Retail from the Consent Agenda as there were requests to speak on that item, and to move Item 25. DR19-128 Trilogy at Power Ranch-Pickleball and Tennis Renovations to the Consent Agenda as it was requested to be continued to the November hearing.

MOTION: Vice Chair Simon moved to approve the Agenda with the recommended changes; seconded by Commissioner Jones. **Motion passed 7-0.**

COMMUNICATIONS

12. COMMUNICATION FROM CITIZENS:

At this time, members of the public may comment on matters within the jurisdiction of the Town but not on the agenda. The Commission response is limited to responding to criticism, asking staff to review a matter commented upon or asking that a matter be put on a future agenda.

Doralise Machado-Liddell, Gilbert resident, stated that the Design Guidelines have been discussed throughout the 30-year Heritage District redevelopment history. Private property owners have been living with the threat of eminent domain, condemnation, and uncertainty about their private property rights. The town may claim that they have never or rarely used condemnation. However, reading the Redevelopment Commission and Town Council minutes dating back to 1989, you may find the tactics used to acquire property and the instances where it took place. During the March 22, 2000 Planning and Zoning Commission Study Session relating to the adoption of the ordinance creating the Heritage District Architectural Guidelines, Chair Linda Edwards stated that since the guidelines are now coming forward as ordinances, she wondered if the standards for the Redevelopment Commission were different than what is required for the rest of the town because if it is different, a code amendment will need to be implemented for all areas. During the July 16, 2008 Planning Commission regular meeting to establish design guidelines applicable to the Heritage District, the senior planner stated the desire is to produce a document that is what the town wants, what the development community needs, and also that does not have any impact on Prop 207. The desire is to produce unique, interesting guidelines that are incentive-based, rather than mandatory. Prop 207 is the protection of private property rights. The current Heritage District Design Guidelines clearly state the use of the word shall and must have been purposely avoided within the specific guidelines. It further establishes Town of Gilbert suggested principles for designing quality downtown development. The town staff has stated that they have created a comparison of the 2010 versus the 2020 Guidelines to demonstrate the very minor changes that have been made to the Lacy Tract requirements. She did not believe that making design guidelines a mandatory legal requirement is a minor change. This change affects her private property rights. She did not purchase her property with mandatory design guidelines, with a government homeowner's association, or with the requirement that she submit her custom building plans to the Design Review Commission or the Redevelopment Commission. Once the area is no longer under the state redevelopment laws, the Design Guidelines will still be in effect. Her private property rights are being treated differently based on her zip code. Such actions represent a discriminatory use of the Land Development Code, and the Design Guidelines is the avenue in which it takes place. She asked that the Guidelines remain just that, suggested guidelines.

Chair Bloomfield thanked Ms. Machado-Liddell for expressing her concerns.

13. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS:

Councilmember Scott September thanked the new Planning Commissioners and returning members for serving the community. He reported that a family member has COVID, so he was unable to attend the meeting in person tonight as he is quarantined. He and his wife are negative.

14. RECOGNITION: Thank you to outgoing Planning Commissioner David Cavenee and Planning Commission Alternates Philip Alibrandi and Nathan Mackin.

Chair Bloomfield recognized outgoing Commissioners David Cavenee and Alternate Philip Alibrandi. Nathan Mackin was not in attendance. Chair Bloomfield stated it has been a pleasure serving with them. Philip Alibrandi stepped in when it was needed on the Commission and his service is appreciated. David Cavenee has been a long-time friend, associate, leader and mentor. Chair Bloomfield appreciated his involvement in the community and valued his input and support on the Commission. David Cavenee and Philip Alibrandi were presented with Town of Gilbert commemorative coins as parting gifts along with certificates in appreciation of their service to the town.

PUBLIC HEARING (CONSENT)

All items listed below are considered the public hearing consent calendar. The Commission may, by a single motion, approve any number of items where after opening the public hearing no person requests the item be removed from the consent calendar. If such a request is made, the Commission shall then withdraw the item from the public hearing consent calendar for the purpose of public discussion and separate action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

Chair Bloomfield reviewed the Public Hearing Consent items. **Item 17. DR20-71**, Guadalupe & McQueen Retail was removed for public comment. It was noted the following items will be continued to the November 4, 2020 hearing: **18. DR20-87** PB Bell Gilbert Commons, **19. UP20-05** ALTA Gilbert at Cooley Station, **20. DR20-46** ALTA Gilbert at Cooley Station, **21. UP20-26** Speedway Convenience-Fuel Dispensing, **22. UP20-27** Speedway Convenience-24-Hours Operation, **23. UP20-28** Speedway Convenience-Limited Service Restaurant, **24. DR20-94** Speedway Convenience Design Review, and **25. DR19-128** Trilogy at Power Ranch.

Chair Bloomfield called for a motion on the Consent Agenda.

Commissioner Andersen declared a conflict on Item 16 and will abstain from the vote.

MOTION: Vice Chair Simon moved to approve consent agenda Item 16. DR20-66 THE CARSON: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 2.85 acres, generally located south of the southwest corner of Gilbert Rd. and Civic Center Dr., and zoned Multi-Family/Medium (MF/M) with a Planned Area Development (PAD) overlay, subject to the conditions in the Staff Report; seconded by Commissioner Jones. **Motion passed 6-0** with Commissioner Anderson abstaining.

MOTION: Vice Chair Simon moved to recommend approval of Consent Agenda Item 15. DR20-113, Mercedes Benz of Gilbert Parking Lot Expansion, as recommended, and to Continue the following items to the November 4, 2020 hearing: 18. DR20-87 PB Bell Gilbert Commons, 19. UP20-05 ALTA Gilbert at Cooley Station, 20. DR20-46, ALTA Gilbert at Cooley Station, 21. UP20-26 Speedway Convenience-Fuel Dispensing, 22. UP20-27 Speedway Convenience-24-Hours Operation, 23. UP20-28 Speedway Convenience-Limited Service Restaurant, 24. DR20-94 Speedway Convenience, and 25. DR19-128 Trilogy at Power Ranch; seconded by Commissioner Jones. **Motion passed 7-0.**

- 15. DR20-113 – MERCEDES BENZ OF GILBERT PARKING LOT EXPANSION: Site plan, landscaping, grading and drainage, elevations, lighting, and colors and materials for an approximately 1.95 acre portion of the 8.95 acre overall site, generally located on the east side of Gilbert Road between Pecos Road and Rivulon Blvd and zoned Regional Commercial (RC) with a Planned Area Development (PAD) overlay.**

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR20-113 - Mercedes Benz of Gilbert Parking Lot Expansion: Site plan, landscaping, grading and drainage, elevations, lighting, and colors and materials for an approximately 1.95 acre portion of the 8.95 acre overall site, generally located on the east side of Gilbert Road between Pecos Road and Rivulon Blvd and zoned Regional Commercial (RC) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the October 4, 2020 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Signage is not included in this approval. All signage must comply with the Rivulon Master Sign Plan.
4. Prior to issuance of a building permit the applicant shall submit to Planning and Development a revised photometric plan showing a reduction in the level of illuminance at the property line, the level of illuminance shall not exceed 0.3 foot-candles.

- 16. DR20-66 THE CARSON: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 2.85 acres, generally located south of the southwest corner of Gilbert Rd. and Civic Center Dr., and zoned Multi-Family/Medium (MF/M) with a Planned Area Development (PAD) overlay.**

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR20-66, The Carson: site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 2.85 acres, generally located south of the southwest corner of Gilbert Road and Civic Center Drive, and zoned Multi-Family-Medium (MF-M) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission/Design Review Board at the October 7, 2020 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Monument signage has been included in this approval and will require a sign permit prior to construction.
4. Development Engineering 2nd review comments must be addressed with the Construction

Permit review.

5. ~~Prior to submittal of Construction drawings, the applicant shall submit to Planning and Development revised plans addressing~~ †The following outstanding Planning review comments must be addressed with the Construction Permit Review:

Photometric Plan:

- Reduce the level of illuminance at the southern and eastern property lines, the level of illuminance shall not exceed 0.3 foot-candles.
- Delete the sidewalk and bollard lighting within the landscape setback along the west property line.
- Relocate the bike rack further west next to the trash enclosure per the site plan.
- Provide an elevation graphic for all site light pole types.

Site Plan, Landscape Plan, Utility Plan, Grading and Drainage Plan:

- Show the location of all proposed free-standing light poles and bollard lighting.

Landscape Details:

- Provide a detailed elevation graphic of the proposed 6' wrought iron fencing along Gilbert Rd. and for the gates at the site entrance.

18. **DR20-87 PB BELL GILBERT COMMONS: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 8.6 acres, generally located at the southwest corner of Cooper and Baselines Roads, and zoned Multi-Family/Medium (MF/M) with a Planned Area Development (PAD) overlay.**

Continued to November 4, 2020.

19. **UP20-05 ALTA GILBERT AT COOLEY STATION: Request to approve a Conditional Use Permit for approx. 6.0 acres generally located south of the southwest corner of Recker and Williams Field Roads to allow residential units on the ground floor in the Gateway Village Center (GVC) zoning district with a Planned Area Development (PAD) overlay.**

Continued to November 4, 2020.

20. **DR20-46, ALTA GILBERT AT COOLEY STATION: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 6.0 acres, generally located south of the southwest corner of Recker and Williams Field Roads, and zoned Gateway Village Center (GVC) with a Planned Area Development (PAD) overlay.**

Continued to November 4, 2020.

21. **UP20-26 SPEEDWAY CONVENIENCE - FUEL DISPENSING: Request to approve a Conditional Use Permit to allow a Fueling Facility on approx. 3.9 acres generally located at the southwest corner of Lindsay and Germann Roads, and zoned Neighborhood Commercial (NC) zoning district.**

Continued to November 4, 2020.

22. **UP20-27 SPEEDWAY CONVENIENCE - 24-HOURS OPERATION: Request to approve**

a Conditional Use Permit to allow increased hours of operation on approx. 3.9 acres generally located at the southwest corner of Lindsay and Germann Roads, and zoned Neighborhood Commercial (NC) zoning district.

Continued to November 4, 2020.

- 23. UP20-28 SPEEDWAY CONVENIENCE - LIMITED SERVICE RESTAURANT: Request to approve a Conditional Use Permit to allow Restaurants, Limited Service on approx. 3.9 acres generally located at the southwest corner of Lindsay and Germann Roads, and zoned Neighborhood Commercial (NC) zoning district.**

Continued to November 4, 2020.

- 24. DR20-94 SPEEDWAY CONVENIENCE: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approx. 3.9 acres, generally located at the southwest corner of Lindsay and Germann Roads, and zoned Neighborhood Commercial (NC).**

Continued to November 4, 2020.

- 25. DR19-128 TRILOGY AT POWER RANCH: Tennis and Pickleball Complex: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials, for approximately 5.74 acres, located at 4369 E. Village Parkway, and zoned Public Facilities/Institutional (PF/I) with a Planned Area Development (PAD) overlay zoning district.**

Continued to November 4, 2020.

PUBLIC HEARING (NON-CONSENT)

Non-Consent Public Hearing items will be heard at an individual public hearing and will be acted upon by the Commission by a separate motion. During the Public Hearings, anyone wishing to comment in support of or in opposition to a Public Hearing item may do so. If you wish to comment on a Public Hearing Item you must fill out a public comment form, indicating the Item Number on which you wish to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Commission.

- 17. DR20-71 GUADALUPE & MCQUEEN RETAIL: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 3.28 acres, generally located at the southeast corner of McQueen and Guadalupe Roads, and zoned Community Commercial (CC) with a Planned Area Development (PAD) overlay.**

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR20-71 Guadalupe & McQueen Retail: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 3.28 acres, generally located at the southeast corner of McQueen and Guadalupe Roads, and zoned Community Commercial (CC) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning

- Commission at the October 7, 2020, public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
 3. Signage is not included in this approval. Administrative Design Review approval is required for monument signage prior to submitting for sign permits.

Planner Sydney Bethel presented DR20-71, Guadalupe & McQueen Retail. The subject site is approximately 3.28 acres zoned Community Commercial (CC) and is located at the southeast corner of McQueen and Guadalupe Roads. This site is the last vacant commercial corner at that intersection. There is a total of three buildings planned with a variety of uses proposed including restaurant, retail and vehicle services light. Pad A at the hard corner is a 2,000 SF proposed Starbucks building. Pad B is a four-suite development with both retail and restaurant users with a drive-thru. Pad C is approximately 5,500 SF with proposed vehicle service specifically for light service, although no user has been identified at this time.

There are two points of access proposed for this site. The primary access is a right-in, right-out off of McQueen Road and the secondary full-motion access is located off of Guadalupe Road. The site contains ample pedestrian connectivity through internal sidewalks that connect to the existing sidewalks already constructed on both McQueen and Guadalupe Roads. There is a solid 8-foot high screen wall provided on the southern and eastern perimeters of the site. This will provide some required separation from the existing commercial developments on the east and south called McQueen Landing. This development of single-family detached homes is close to being completed.

A total of 40% of the net area is landscaped, which exceeds the requirements for the site. Ms. Bethel pointed out the ample landscaping buffers that have been provided along the perimeters of the site. The retention proposed is a combination of underground storage tanks on the northern portion of the site and above ground retention basins located in the perimeter landscape areas. The proposed grading and drainage plan generally meets the requirements and was approved by the Town of Gilbert Engineering Division.

All of the proposed buildings are one story and between 20 and 22 feet tall. Pad A, the Starbucks building, is more of a modern design and connects with the other two developments. All of the buildings utilize the same tan stucco and brick veneer. Pad B, the shops and drive-thru, features a warmer color palette while still using the same base colors and materials. Pad C is intended for an automotive use with 9 bays proposed on the west elevation and a small office area. The diverse colors and materials for the site complement the surrounding designs and architecture.

Staff recommends approval of DR20-71 with the understanding that several members of the public are in attendance to voice their concerns tonight. In addition to the residents in attendance, staff has received 10 online comment cards in opposition to this item.

Chair Bloomfield invited the applicants to give a statement.

Neil Feaser, RKA Architects Inc., Jennifer Hill and Scott Hintze of Diversified Partners were on the line on behalf of the applicant. They wished to give the neighbors an opportunity to speak first and then they will address those concerns.

PUBLIC COMMENT:

Jason Kaye, Gilbert resident, lives in McQueen Landing. It is a brand new community with mostly families with young children. He was extremely concerned with a 9-bay auto collision repair center being located less than 100 feet from the children's playground and community pool. There are numerous homes within 100 feet of this 9-bay auto repair center. His home is less than 100 yards away. There are 9 auto repair centers within 1 mile of this site. OSHA lists chemical usage as the number one hazard followed by noise. According to OSHA, a door skimming hammer can be as loud as 135 decibels. From 100 feet away, that is 95 decibels. According to the US Department of Energy, tightening lug nuts on automobiles can be up to 120 decibels. At 100 feet away, that is 71-80 decibels. These noise levels violate Gilbert's noise ordinance limit of 55 decibels in a residential area during business hours. He felt the landscaping was a little shoddy and did more to prevent the eyesore from the street than from the community. Gilbert's values were the main reason he moved here. Gilbert is one of the safest cities in America and one of the best places for children to grow up. He asked if the Commission agreed that children should not grow up next to a 9-bay auto collision repair shop. He begged the Commission to think of the children who have to grow up next to the noise and smells and whatever else could be there. He felt this proposal should not move forward.

Samantha Motts, Gilbert resident in the McQueen Landing community, is opposed to this plan due to some of the same concerns previously stated. She is concerned about the noise and smell, especially with the proposed building being right on the other side of the wall from a children's playground and pool as well as being close to a number of houses.

Clark Collier, Gilbert resident, moved to Gilbert six months ago after living in Glendale for 25 years. He moved here because of Gilbert's family values and because he has friends here. He did his research on the Gilbert community. He knew this vacant lot was planned for retail, although the auto center causes him a lot of concern. A 9-bay auto center seems like something that should be in downtown Phoenix, not necessarily Gilbert. All of the homes in McQueen Landing are two stories and residents will not only see over the view fence the unsightly vehicles but will also hear the noise. He did as much research on that land as he could to see who owned it and the potential in the future, and did not really consider an auto center. If he had known that, he would have thought twice before he bought his residence here. He had no problem with Starbucks or the retail or restaurants, although he felt the auto center falls outside of the retail use and does not belong next to a neighborhood. He appreciated the Commission's consideration in this matter.

Chair Bloomfield read 4 comment cards from those in opposition to this item who were present but did not wish to speak: Emilio Gonzalez, Piyush Gupta, Sunit Dhiman, and Mukta Sharona. Their concerns included noise and safety concerns with children in the community. Staff had advised earlier that another 10 comment cards were submitted online in opposition to this item.

Chair Bloomfield invited the applicants to address the public's concerns.

Jennifer Hill, on behalf of the applicant, stated that the plan that was submitted does show the light automotive with 9 bays. However, they do not have a user in mind for that building at this time. It was one of the proposed uses for which they have had offers, but nothing is moving forward with an automotive user currently. They have also had offers for a preschool with a play area, office, an urgent care, and several different uses in that same spot. At this time, they do have the Starbuck's, a national sandwich user, and a Mexican restaurant.

Chair Bloomfield stated this is a Design Review case, not a zoning or General Plan case. He noted the Commission's purview at this point was with regard to the design of the buildings, the colors, elevations,

and whether the landscape and other items meet the guidelines and requirements. We cannot limit the use as part of this Design Review hearing. The use has been set for this case and how the development is laid out, although he believed that could change.

Attorney Nancy Davidson stated the item up for discussion today is the site plan, landscaping, grading and drainage, floor plans, lighting, colors and materials.

COMMISSION QUESTIONS/COMMENTS

Commissioner Andersen noted that there is a 9-bay auto shop shown on the plans, although there is not one planned. Is that just a placeholder?

Ms. Hill stated that the 9-bay automotive use was an offer they had at the time this site plan was distributed, but it has since gone elsewhere. It is basically a placeholder.

Commissioner Andersen asked if someone wanted to come in with another use, for example an urgent care facility, would they have to go back through this process and present another building, floor plan, and site changes to get approved?

Ms. Bethel stated it would have to go through an Administrative Design Review process if it is under 5,000 SF. If it is over 5,000 SF, it would have to come back to the Planning Commission for approval of a new site plan, elevations, etc. They would have to go through an additional process to amend for a different user. An urgent care is a permitted use in Community Commercial, although it would have to go through that process.

Commissioner Andersen asked if we leave the application as it is currently and vote to approve it with this 9-bay auto center, that is what would be anticipated to be built there.

Ms. Bethel stated that is correct. They would be permitted to build that auto facility by right and submit for construction documents. No additional Planning approvals would be required if they proceed forward as shown.

Neil Feaser stated they do meet or exceed all of the zoning requirements as to the automotive use, setbacks, landscaping, screening with site walls, etc. There are sections in the Code that state the bay doors should face away from the residential. We have taken all of those code items into consideration when laying this out.

Commissioner Mundt asked if there would be a wall between the automotive bays and the current wall that separates the properties. Will the buildings have a back wall?

Ms. Bethel stated there will only be one wall. There is an existing wall for the McQueen Landing development and the applicant will be utilizing that separation wall. We do not allow double walls, although there will be additional screen walls along the street frontage. To the south and east abutting McQueen Landing will just be the existing 8-foot wall. The buildings do not have a wall behind. She clarified that the bay doors open to the west facing away from the residential. As Mr. Feaser stated, they are not allowed to have roll-up doors facing towards residential if within 200 feet of residential. It was designed in that manner in order to try to mitigate potential issues arising for the residents.

Commissioner Mundt pointed out that there will be an internal wall that will also have another landscaping wall, both of which the sound waves would have to travel through. He understood the citizens' request for consideration because there are a lot of significant noises there, but there will also be some mitigation

efforts simply from the existing walls. He understood it was not ideal, although the Commission is not in a position to describe whether or not that use is allowed given the criteria of what we are reviewing tonight.

Vice Chair Simon asked if Pad C would be built to suit or would it be built as a spec building with the hope of filling it.

Ms. Hill stated they will either sell that pad to an end user or they will most likely do a build to suit.

Vice Chair Simon did not see any issues with the site plan. We can get hung up on the 9-bay light automotive repair facility, although it doesn't sound like that is actually in motion at this point. From a site perspective, he felt it was a good use for the site and that it potentially could move forward. He understood that was still up for negotiation.

Chair Bloomfield closed the Public Hearing and brought the discussion up to the dais.

COMMISSION DISCUSSION

Vice Chair Simon noted that the Commission is looking at this from a site plan perspective. The Design Review is in front of us with regards to the elevations and site plan layout. It has met all of the criteria. He did not see a reason why we would reject it. He understood the residents' concerns with regard to the auto repair facility and the potential noise. We are not here to stop individuals from their property rights and being able to build as long as it is within that nature. It sounds like that piece of it is not solidified at this time. From a site perspective and the case before us, he will be voting in favor.

Chair Bloomfield has studied the proposal, he liked the site plan and had no issues with it. He heard the residents' concerns. Unfortunately, the Commission cannot say you can't have this use here. That is not one of our options. It is allowed by right within the zoning category. What we can do is say we don't like the color or you need more landscaping behind that use. He felt the layout was done very nicely and has accommodated to the extent they can and still have it be marketable. They have put a retention basin behind that building and landscaped within that retention basin. There is also the site wall and then there is the park. In terms of being as far away as they can and still be effective on the site plan, they have done a good job. He did not have a concern with anything else. He was grateful to see development on this corner that has been vacant for a very long time, especially in this part of town where it has been lacking. He would consider this to be an infill piece almost and would welcome it. Hearing the concerns, he would offer a recommendation that a condition be added to heavy up the landscaping by adding a certain size box tree in that area behind that facility if that in fact is what is built there. That would help to shield and provide a noise barrier. That kind of vegetation will always do that quite well.

Attorney Davidson stated that would be a proper condition. It was recommended to confirm the specifics of the condition among the Commission and ask the developer if they are agreeable to that before making a motion.

Chair Bloomfield appreciated and valued the neighborhood input tonight. We are glad to have you here. Unfortunately, we cannot tell a property owner they cannot have that use, especially when it is zoned by right. If that is a condition you don't want, then it is your opportunity to purchase it and do what you want with it. That is not under the Commission's purview with the case before us tonight. He asked the developer if they were willing to entertain such a condition of approval.

Ms. Hill stated should Pad C proceed with an automotive use, they would absolutely entertain a condition for additional landscaping.

Chair Bloomfield noted there are 7 trees currently shown on the landscape plan behind that long building (Pad C). He recommended increasing that to 12 trees or increase the size to the 48" or even 60" box size. Typically, landscape plans show a 7 to 8 year growth and he noted there were some bare spaces on this plan.

Commissioner Blaser stated with larger trees, the residents will have the benefit of that additional barrier earlier. He is not a landscape expert, although it may be overplanted if we add more trees.

Ms. Bethel proposed three additional larger 48" box trees on the east and south side. She advised that more than 3 may not fit based on the current landscape plan. She noted there are no homes directly to the south, although there is the McQueen Landing amenity area with a child's play area and pool as noted by the residents. The closest residential home is Lot 90.

Chair Bloomfield felt they could add three more trees and increase the size from the proposed 24" box size. He noted it is very costly to make the jump from 24" up to 48" or 60" box trees. His concern was only the area behind Pad C to provide shielding for that amenity center and pool, not the entire south side.

The Commission discussed the number of trees needed and possible locations for additional trees closer to the amenity area as opposed to filling in behind the Pad C building.

The Commission agreed on a condition to add three 48" box trees on the east and south sides of Pad C, with the locations to be determined by the developer and approved by town staff.

Chair Bloomfield asked the applicant if they would be agreeable to that condition.

APPLICANT COMMENTS & DISCUSSION

Ms. Hill would be in agreement if it is developed as an automotive repair shop. If it ends up being a car wash, which is also an approved use, the additional trees would not be applicable as the concern is mostly due to noise.

Chair Bloomfield stated the main concerns were noise, odors, and sight. There would still be issues of noise and sight even with a car wash. For anything automotive related, he would recommend keeping the condition.

Attorney Davidson advised that for a Design Review case, we do not make conditions based on certain uses. This condition would apply to the site plan as a whole. Much of it would be next to impossible for staff to enforce otherwise.

Chair Bloomfield advised that if the site plan needed to change, the applicant would need to come back before the Commission and this condition would go away. He asked if that was agreeable to the applicant and owner.

Ms. Hill and Mr. Feaser stated that would be acceptable to them.

Scott Hintze, Diversified Partners, reiterated that they did not know what use will potentially go there, although they will definitely conform the use to the zoning code. He did not want to specify that any other uses would have to do additional trees. If it ends up being an auto use as shown, he would be happy to add

three larger trees, but not increase the size of the remaining trees as that will be an overgrown mess in the future. The project is already expensive and they cannot afford to add that sort of line item in the budget. They want to be good neighbors. The HOA has not yet taken over from the builder, and he has already reached out to Lennar to be connected with the HOA to discuss the project, their concerns, and other uses they would support. Mr. Hintze asked if the condition could be stipulated only if Pad C is built as an auto facility.

Eva Cutro, Planning Division Manager, stated the item before the Commission is the site plan, which does not allow for discussion of the use. The condition to add three additional 48" box trees cannot be based on the use, but would apply to the site plan as a whole.

Mr. Hintze did not love the idea of adding more trees. If something else is built, they may not need the additional trees. He asked for input from the other Commissioners as to whether the three additional trees are necessary for approval.

Attorney Davidson advised that if ever there was a change in the use, there is nothing to prevent the applicant from coming in for an amendment to the site plan, including an administrative type of amendment, which is allowed for minor changes to landscape plans. She was not sure if three trees would be considered as a minor administrative item, although that is always an opportunity for the applicant.

Ms. Bethel clarified that if this is a condition of approval on the site plan, it could not be changed administratively, but would have to come back to the Commission.

Commissioner Jones stated, since the applicant does not have a user for that site at this point, he did not see the urgency to approve this without those trees if that can come back at a later time.

Commissioner Andersen was concerned with an auto shop already planned, another auto user can come in and then where is the protection for the neighbors if we don't address it now.

Chair Bloomfield stated that was his concern as well. If the use changes, they will have to come back in if it is significantly different than this site plan. He asked if the applicant would be willing to increase the size of several of the proposed trees rather than add more trees. We are just looking for protection for the neighbors. The proposed trees are 24' box at the bottom of a retention basin, which will not provide much sight or noise protection for the neighbors.

Commissioner Andersen stated the reality is with a new development you won't get mature trees but young anemic-looking trees that will take 5 or 10 years to fill out and provide a visual screening. We need to address this now by either adding more trees or increasing the box size for a certain number of trees so that it will fill in quicker.

Commissioner Blaser did not disagree with the opinions that have been expressed. He wanted to acknowledge that the developer has 40% landscaped area where 15% is required. There are a lot of trees in this development already. He could support upsizing some of the existing trees or moving some from other areas, but not necessarily increasing the number of trees. We want to address the residents' concerns without adding too much additional cost for the developer.

Chair Bloomfield felt it would make more sense to require that 4 or 5 of the proposed trees be upsized rather than adding more. That would be a better use of the resources available to the developer while providing the benefit to the residents we are looking for. He acknowledged that the applicant has not only

accommodated what is required by the town but has gone above and beyond.

Mr. Hintze stated he was agreeable to upsizing four of the proposed trees in that area.

Chair Bloomfield called for a motion.

MOTION: Commissioner Mundt moved to approve the Findings of Fact and approve DR20-71 Guadalupe & McQueen Retail: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 3.28 acres, generally located at the southeast corner of McQueen and Guadalupe Roads, and zoned Community Commercial (CC) with a Planned Area Development (PAD) overlay, subject to the conditions in the Staff report, and with the stipulation that the developer is to increase the size of four (4) trees at the southeastern portion of Pad C that abuts the McQueen Landing amenity area from 24" to 48" box trees, the location of said trees to be determined by the developer and approved by town Planning staff; seconded by Commissioner Blaser. **Motion passed 7-0.**

26. 2021 Planning Commission Meetings – Consider approval of the 2021 Regular Meeting Calendar.

Eva Cutro stated holidays and Gilbert school breaks were considered in determining meeting dates. The only changes were to the October and July meeting dates.

MOTION: Vice Chair Simon moved to approve the 2021 Planning Commission Meeting Calendar; seconded by Commissioner Blaser. **Motion passed 7-0.**

27. Planning Commission Minutes - Consider approval of the minutes of the Study Session and Regular Meeting of September 2, 2020.

MOTION: Vice Chair Simon moved to approve the minutes of the Study Session and Regular Meeting of September 2, 2020; seconded by Commissioner Mundt. **Motion passed 7-0.**

COMMUNICATIONS

- 28. Executive Session -** The Public Body may convene into an executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03.A.3.

No Executive session was held.

29. Report from Chairman and Members of the Commission on current events:

Chair Bloomfield welcomed the new Commission members. He looked forward to serving with them and getting to know them better. He encouraged everyone to get out and vote.

30. Report from Planning Services Manager on current events:

Eva Cutro thanked outgoing Commissioners Cavenee, Alibrandi and Mackin for their service. She welcomed the new Commissioners and thanked them for volunteering their time. With several new members on the Commission, Attorney Davison came across a training program from the League of Cities on the roles, responsibilities and best practices of Planning and Zoning Commission members. That virtual training will be offered on November 12, 2020 from 10-11:30. The details will be sent out to the group. She encouraged any of the Commissioners who would like that training to take part.

ADJOURNMENT

With no further business before the Planning Commission, Chair Bloomfield adjourned the Regular Meeting at 7:30 p.m.

Carl Bloomfield, Chairman

ATTEST:

Dana Desing, Recording Secretary